

REMARKS

Claims 1-43 are pending in this application. At the outset, Applicants thank the Examiner for indicating that claims 10-12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Upon entry of this Amendment, claims 39 and 40 will be cancelled without prejudice or disclaimer, and claims 1, 6, 19, 29-30, and 35 will be amended. The claims have been amended to even more particularly point out and distinctly claim Applicants' invention. The specification has been amended to provide an Abstract as requested by the Examiner, and to add a priority claim to the parent International Application. No new matter has been added by these amendments.

Reconsideration and allowance of the application respectfully are requested.

Objections to the Specification

The Examiner objected to the specification as not containing an Abstract. By this Amendment, Applicants have provided an Abstract. Reconsideration and withdrawal of the Objection respectfully are requested.

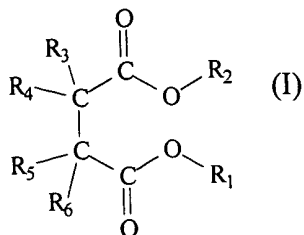
Claim Rejections

Rejection Under 35 U.S.C. § 102

A. Response to Rejection of Claims 1-9, and 13-43, under 35 U.S.C. § 102(e) as being anticipated by Nakano et al.

In response to the rejection of claims 1-9, and 13-43 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,320,009 of Nakano et al. ("Nakano"), Applicants respectfully submit that the reference does not teach all the elements of the presently claimed invention.

In one embodiment of the present invention, claims 1-18 are directed to a solid catalyst component for the polymerization of olefins $\text{CH}_2=\text{CHR}$, in which R is hydrogen or a hydrocarbyl radical with 1-12 carbon atoms, comprising Mg, Ti, halogen and an electron donor selected from succinates of formula (I):



wherein the radicals R₁ and R₂, equal to or different from each other, are a C₁-C₂₀ linear or branched alkyl, alkenyl, cycloalkyl, aryl, arylalkyl or alkylaryl group, optionally containing heteroatoms; the radicals R₃ to R₆ equal to or different from each other, are hydrogen or a C₁-C₂₀ linear or branched alkyl, cycloalkyl, aryl, arylalkyl or alkylaryl group, optionally containing heteroatoms, and the radicals R₃ to R₆ which are joined to the same carbon atom can be linked together to form a cycle; with the proviso that when R₃ to R₅ are contemporaneously hydrogen, R₆ is a radical selected from the group consisting of primary branched, secondary and tertiary alkyl groups, cycloalkyl, aryl, arylalkyl and alkylaryl groups having from 3 to 20 carbon atoms. In another embodiment, claims 19-34, and 41 are directed to a catalyst containing the catalyst component described above. In still another embodiment, claims 35-36 are directed to a prepolymerized catalyst component containing the succinate electron donor described above. The embodiment exemplified by claims 37-38, and 42-43 is directed to a process for the (co)polymerization of olefins using a catalyst containing the catalyst component described above. Finally, in still another embodiment, claims 39 and 40 are directed to propylene polymers with specific properties.

First, with respect to claims 39 and 40, Applicants have cancelled these claims. Reconsideration and withdrawal of the Rejection with respect to these claims respectfully is requested. With regard to the other claims, Nakano lists a large number of compounds that can function as electron donors, including a generic formula (2) representing organic ester electron donors, where substituents R³ and R⁴ can each represent hydrogen or a substituted or unsubstituted hydrocarbon group (col. 11, lines 30-47). As examples of specific compounds of formula (2), the reference lists a total of only four succinate compounds, two of which are unsubstituted: diethyl succinate, and dibutyl succinate; and two of which are mono-substituted: diethyl methyl succinate and diallyl ethyl succinate (col. 11, lines 56-63). However, the catalyst

components specified in the claims of the present invention must be substituted, and when mono-substituted, the mono-substituted group contains at least three carbons. Therefore, the reference does not anticipate the present invention because the particular succinate species recited in the presently claimed invention cannot be "at once envisaged" from the formula (genus) of Nakano's disclosure (MPEP 2131.02). Nakano discloses several classes of compounds that may serve as electron donor compounds, including formula (2), that embraces a vast number of compounds. However, substituents R^3 and R^4 of the formula are defined as representing a "hydrogen atom or a substituted or unsubstituted hydrocarbon group ... [that] may also build up together a cyclic structure." (col. 11, lines 44-48) The reference therefore does not specifically define the number of carbon atoms in the "hydrocarbon groups" or limit the structure of the hydrocarbon groups in any particular way. Further, the hydrocarbon groups may contain one or more heteroatoms (col. 11, line 48-53). Although Nakano does name four succinate compounds, as noted above, only two of the four compounds are substituted, which is required in the claims of the present invention. In addition, the mono-substituted substituents in the named compounds are either a C_1 or C_2 moiety (diethyl methyl succinate and diallyl ethyl succinate, respectively). In contrast, the claims of the present invention require that a mono-substituted substituent contain at least three carbon atoms. Finally, none of the Examples in the reference recite any succinate compound, much less the specific succinate compounds of the invention. Therefore, the reference does not anticipate the claims of the present invention, since the reference does not specifically teach all the elements of the claims, and one skilled in the art would not at once envisage the compounds of the present invention from the generic formula of the reference. Reconsideration and withdrawal of the rejection respectfully is requested.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have questions or comments regarding this application or this amendment, Applicants' attorney would welcome the opportunity to discuss the case with the Examiner.

The Commissioner is hereby authorized to charge U.S. PTO Deposit Account 08-2336 in the amount of any fee required for consideration of this Amendment.

This is intended to be a complete response to the Office Action mailed April 10, 2003.

Respectfully submitted,

GIAMPIERO MORINI ET AL.

August 8, 2003 By: William R. Reid
(Date)
William R. Reid
Registration No. 47,894
Attorney for Applicants

Basell USA Inc.
912 Appleton Road
Elkton, MD 21921
Attorney's Telephone No.: 410-996-1783
Attorney's Fax No.: 410-996-1560

I hereby certify that this correspondence is being deposited
with sufficient postage thereon with the United States Postal
Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on August 8, 2003.

Shane A. Dutta
August 8, 2003
Date of Signature